

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0432
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Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 1 DP 847020, 9 - 11 Birdwood Avenue COLLAROY NSW 2097
Proposed Development:	Construction of a Seniors Housing or Housing for Persons with a Disability and Strata Subdivision
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	DDP
Land and Environment Court Action:	No
Owner:	Birdwood Projects Pty Ltd
Applicant:	Birdwood Projects Pty Ltd

Application Lodged:	04/05/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Seniors Living
Notified:	28/08/2020 to 11/09/2020
Advertised:	28/08/2020
Submissions Received:	14
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 8,115,000.00
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EXECUTIVE SUMMARY

The application seeks consent for the construction of a seniors housing development comprising four (4) self contained dwellings.

Whilst the State Policy for seniors housing provides for a form of development that typically has a greater density and scale than the forms of residential development permitted under the Warringah Local Environmental Plan 2011 (WLEP 2011), the proposal is considered to be complementary and compatible with the established character and is consistent with the zone objectives for R2 Low Density Residential zone.

There is a non-compliance with the relevant planning controls (Warringah Development Control Plan 2011) front boundary setback which is considered to be acceptable given the existing streetscape and established front setbacks within Birdwood Avenue. Additionally, the design of the development demonstrates sufficient consideration of the design guidelines in the *Seniors Living Policy: Urban Design Guideline for Infill Development*.

The application adequately addresses compliance with the requirements for adequate access to services and facilities, including a connecting footpath from a return bus stop in Pittwater Road at compliant gradients.

The proposed development was notified on two (2) occasions (amended plans were received) and the primary concerns raised were in relation to compliance with the SEPP (HSPD) 2004, views, landscaping including raised fill and retaining walls and consultation with neighbouring properties. The issues raised do not warrant refusal of the application as detailed within this report.

Based on a full assessment of the proposal (as amended), the issues raised by residents have been considered and suitable conditions have been included within the recommendation to ensure a reasonable outcome for all parties. The application is accordingly recommended for approval.

PROPOSED DEVELOPMENT IN DETAIL

The proposal is for the construction of a Seniors Living Development comprising four (4) single-level dwellings with basement car parking and Strata Subdivision.

The proposal includes:

Basement Level

- Two (2) common storage areas;
- Utility room for cleaner with wash closet;
- Multiple plant rooms;
- Pool equipment room;
- Two (2) lifts;
- Waste room.
- Eight (8) parking spaces of which four (4) have been designed as accessible spaces.

Lower Ground Floor – Units 1 and 2

- Single level dwelling unit 1 (140sqm) containing the following:
 - three (3) bedrooms – master bedroom with ensuite and walk-in robe;
 - combined living/dining and kitchen;
 - two (2) bathrooms;
 - separate laundry;
 - front terrace;
 - lift access;
 - pond.
- Single level dwelling unit 2 (214sqm) comprising the following:
 - three (3) bedrooms with ensuites;
 - study nook;
 - separate WC and hand basin;
 - lift lobby;
 - combined living/dining and kitchen;

- two (2) bathrooms;
- separate laundry;
- front terrace;
- landscaped garden;
- swimming pool 2.5 x 4.2m.

In addition to the two (2) units, there are two (2) plant rooms.

Upper Ground Floor – Units 3 and 4

- Single level dwelling unit 3 (181sqm) comprising the following:

- three (3) bedrooms – main bedroom with ensuite;
- study;
- combined living/dining and kitchen;
- separate bathroom;
- powder room;
- separate laundry;
- front terrace;
- rear landscaped garden and pool 4.5 x 2m;
- shared lift lobby.

- Single level dwelling unit 4 (181sqm) comprising the following:

- three (3) bedrooms;
- combined living/dining and kitchen;
- separate bathroom;
- separate powder room;
- separate laundry;
- front terrace;
- rear terrace;
- rear landscaped garden and pool 4.5m x 2m;
- shared lift lobby.

Amended Plans - Revision C dated 6 August 2020

Amendments lowered the height of upper ground levels of the building at the rear of the proposed development as follows: -

- Upper roof from RL16.0 to RL15.4 (0.6m reduction)
- Lower roof from RL15.2 to RL14.55 (0.65m reduction)
- Upper ground floor from RL12.0 to RL11.5 (0.5m reduction)

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act

1979, and the associated regulations;

- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - D7 Views

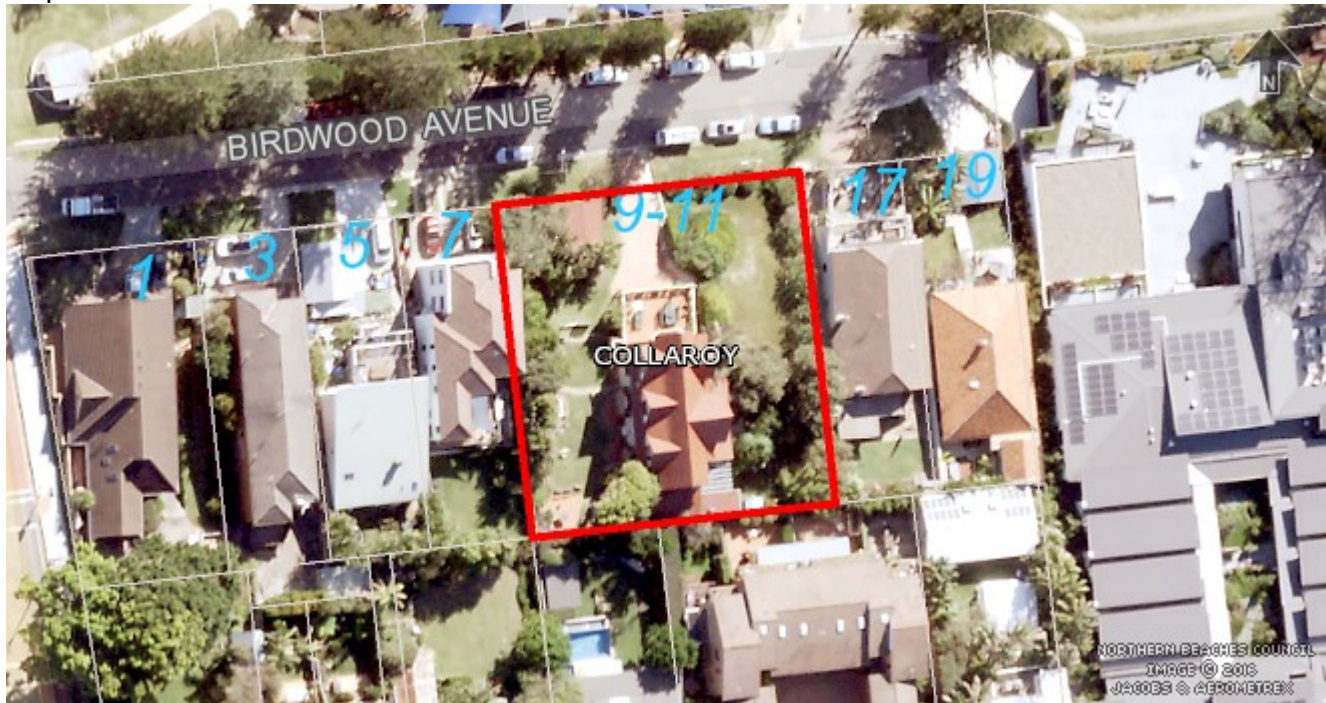
Warringah Development Control Plan - D8 Privacy

Warringah Development Control Plan - D9 Building Bulk

SITE DESCRIPTION

Property Description:	Lot 1 DP 847020 , 9 - 11 Birdwood Avenue COLLAROY NSW 2097
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Birdwood Avenue.</p> <p>The site is regular in shape with a frontage of 36.5m along Birdwood Avenue and a depth of 40.235m. The site has a surveyed area of 1472m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a two (2) storey dwelling house with a garage located close to the front northern boundary. A deck is located above the garage.</p> <p>The site slope from the rear southern boundary down to the front northern boundary with a slope of 15% grade.</p> <p>The site has a number of exotic and native species of plants, shrubs and trees.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by a mixture of developments including a three (3) storey residential flat buildings, single detached dwellings and the Sargood Rehabilitation and Specialist Accommodation Centre located at the eastern end of Birdwood Avenue. On the northern side of Birdwood Avenue is Collaroy Beach</p>

Map:



SITE HISTORY

PLM2019/0218 - Demolition of the existing house and construction of a seniors living development containing four (4) dwellings, carparking and landscaping

The concluding comments were as follows:-

"The proposed plans have raised a number of concerns in relation to the built form in particular the front boundary setback(s), the rear boundary setback(s) and to a very minor extent the landscape open space (30% in accordance with the SEPP). In addition, the current design resembles a residential flat building and it is strongly recommended that a better solution would be design the proposal into two (2) buildings articulated and provided with landscaping in the centre of the proposal separating the built form from a streetscape perspective.

Given the above it is recommended that the applicant amend the proposal to address the issues above and advice contended within these notes to ensure a better design and planning outcome which demonstrates consistency with character test."

CDC2020/0085 - Demolition of existing dwelling approved 10 February 2020

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions	See discussion on "Environmental Planning Instruments" in this

Section 4.15 Matters for Consideration'	Comments
of any environmental planning instrument	report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to height of the building in the rear portion of the site. The applicant submitted amended plans on 12 August 2020.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 28/08/2020 to 11/09/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 14 submission/s from:

Name:	Address:
Mr Michael John Grant	PO Box 350 COLLAROY NSW 2097
Mr Geoffrey Roger Brookes Mrs Robyn Anne Brookes	4 / 7 Brissenden Avenue COLLAROY NSW 2097
Mrs Tracey Brown Mr Raymond John Brown	6 / 7 Brissenden Avenue COLLAROY NSW 2097
Mr Christopher Douglas Hunt Kristine Mary Hunt	5 Birdwood Avenue COLLAROY NSW 2097
Mr Peter Graeme Dawson	1 / 7 Birdwood Avenue COLLAROY NSW 2097
Ben William James Moffat	11 Brissenden Avenue COLLAROY NSW 2097
Mr James Dakin	1 Brissenden Avenue COLLAROY NSW 2097
Mr Ross Anthony Corben Mrs Roberta Leader Corben	9 Brissenden Avenue COLLAROY NSW 2097
Mr Paul Barry Byrne	63 Waterloo Street NARRABEEN NSW 2101
Alfred James Kenneth Aspinall	19 Birdwood Avenue COLLAROY NSW 2097
Mrs Julie Anne Martz David George Martz	2 / 7 Brissenden Avenue COLLAROY NSW 2097
Mrs Lillian Jean Busch	15 - 17 Birdwood Avenue COLLAROY NSW 2097
Graham Hart	3 / 7 Brissenden Avenue COLLAROY NSW 2097

Name:	Address:
Mr Graham Keith Hart	72 Lincoln Avenue COLLAROY NSW 2097

Two (2) submissions in objections and three (3) submissions in support via re-notification of the amended plans on 26 August 2020.

The following issues were raised in the submissions and each have been addressed below:

- Non-compliance with SEPP (Housing for Seniors or People with A Disability) 2004 (building height)
- Alleged misleading statement within the Statement of Environmental Effects (SEE) regarding view loss from the ground floor
- View loss (Tenacity Assessment)
- Landscaping including retaining walls and raised fill
- Inadequate Wheelchair access (access report)
- Byron Shire Businesses for the Future Inc v Byron Council (the Club Med Case) - absence of relevant detail invalidates the very decision-making process
- No Height poles/templates to determine view loss
- Site analysis - water views
- Inadequate Front boundary setback
- Inadequate Rear boundary setback
- Massing envelope reductions
- Privacy from swimming pools
- Plant (acoustics)
- Lighting impacts
- Inconsistent with SEPP, objectives of the DCP, zone objectives of the LEP, aims of the LEP, objectives of the relevant EPI's and objects of EPAA 1979
- Proposed Reasons for refusal
- Lack of Consultation with neighbouring properties

The matters raised within the submissions are addressed as follows:

- Non compliance with SEPP (Housing for Seniors or People with A Disability) 2004 (building height)

Comment: Issues were raised by objectors that Units 3 and 4 on the upper ground floor were non compliant with the SEPP (i.e. the building is not to exceed one storey in height above the natural ground level). Council's assessment has identified that the building subfloor is 1m above natural ground level. Minor changes to the development could achieve compliance with the SEPP provisions and slightly reduce the height of the proposal at the rear which improves impacts onto surrounding properties. A condition has been included for a reduction of the upper ground floor level from the proposed RL11.5 to RL 11.4 (reduction of 0.1m) and overall roof levels from RL15.4 to RL15.3 (reduction of 0.1m) and from RL14.55 to RL14.45 (reduction of 0.1m). This reduction will effectively reduce the subfloor area from 1m above natural ground level to 0.9m and hence will not be calculated as a storey and demonstrate compliance with SEPP (Housing for Seniors or People with a Disability) - Chapter 3, Part 4, Division 1, Clause 40 (c).

A condition will be included with the recommendation of this report and it is considered that issue has been suitable addressed and does warrant further amendment or refusal.

- View loss (Tenacity Assessment)

Comment: Issues were raised by the property to the rear (No. 9 Brissenden Crescent) and another property to the southwest (No. 11 Brissenden Crescent). A full view loss assessment has been undertaken, including the Land & Environment Court Planning Principle, and discussed under Clause D7 Views of Warringah Development Control Plan 2011 (WDCP 2011). In short, it is considered that reasonable view sharing results from the development having regard to the improved views obtained from demolition of the existing dwelling and the overall reduction in height as discussed above.

Given the above it is considered that the issues raised have been satisfactorily addressed and subject to the proposed condition for a further reduction of the height of the building that this issue does not warrant refusal and/or further amendment.

- Height poles/templates

Comment: Council has undertaken a view assessment from Nos. 9 and 11 Brissenden Avenue and utilised a height pole during this assessment. It is considered that this site inspection (s)/assessment(s) combined with the view sharing analysis submitted by the applicants architect that there is sufficient information for a detailed assessment.

- Front boundary setback

Comment: Issues were raised by No. 9 Brissenden Avenue about the encroachment of the roof structure over the lower ground floor level and the potential for view loss to this property. An assessment has been completed under Clause B7 Front Boundary Setbacks of WDCP 2011 for the varying front setbacks to the basement and lower ground floor. Generally, it is noted front setbacks of existing development in Birdwood Avenue is varied from nil setbacks (Sargood, No 15 - 17 Birdwood Ave & 19 Birdwood Ave) to 6m setbacks and greater and therefore the variations to the front boundary setback were considered acceptable in instance. Given the position and height of the upper floor levels it is considered that this front portion of the building will be largely obscured from Nos. 9 and 11 Brissenden Avenue.

Given the above it is considered that this issue has been addressed and does not warrant further amendment and/or refusal of this application.

- Rear boundary setback

Comment: Issues were raised by No. 9 Brissenden Avenue *"that all proposed development at roof level be setback the full 6m."* Council has reviewed the proposed plans and notes the proposed awning structures for Units 3 and 4 will be set only 3.3m from the rear boundary with the main roof positioned 5.5m from the rear boundary. The merit considerations of Clause B9 Rear Boundary Setback of the WDCP 2011 states:-

- *"To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings."*

Given the above it is considered that the proposed roof awning structures do not create a sense of openness in rear yards or maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements and therefore the proposed awnings will be conditioned to be deleted from the proposal. The building proper is then compliant with this control of the WDCP with a 6m setback from the rear southern boundary. It is therefore considered that this submission has been considered and addressed and subject to condition does not warrant refusal of this application.

- Wheelchair access (access report)

Objections were raised by Nos. 9 and 11 Brissenden Avenue in relation to wheelchair access and the access report submitted with this application. Issues were raised that the driveway was non compliant with SEPP (HSPD) as follows: -

The DA Submission documents is not complaint Chapter 3 Part 2 clause 26(2), which require wheel chair access to the property by way of continuous accessible path of travel. Generally under the SEPP the gradient for this is to be no more than 1:14 with a maximum gradient of 1:8 for short sections. Clause 26(2) is set out below for ease of reference

The applicants Accessibility Consultant responded with the following:-

'The gradient of the driveway from the allotment boundary 3.70 RL to the Kerb 3.30RL is 1:12.625 for 5,050mm and is compliant with SEPP Seniors Clause 26(3)(a) –

The rest of the pathway will need to be detailed for CC compliance as per below .

The footpath within the allotment boundary is to comply with AS1428.1-2009 and a 1:40 transition is required at the allotment boundary as highlighted red. 1:40 landings will need to be provide at changes in direction and between ramps as clouded red. The 1:14 ramps will require handrails, tactiles, kerbs, etc and the 1:10 step ramp max rise is 200mm as detailed."

Comment: Council has reviewed all information and considered that the applicant has satisfactorily demonstrated compliance with SEPP (HSPD) 2014 Clause 26 can be achieved.

Given the above and with suitable conditions that this issue has been addressed and does not further amendment and/or warrant refusal of this application.

- Privacy from swimming pools and raised fill and retaining walls

Issues were raised about privacy from the proposed swimming pools located in the rear yard servicing Units 3 and 4 on the upper ground floor. The objector stated:-

"Pool Concourse to be setback 2m from rear boundary, with privacy screening facing south. Provide new fence to boundary."

Comment: It is noted that the swimming pool will be located 1m from the rear boundary and compliant with the Clause B9 Rear Boundary Setback control of WDCP 2011 and is considered

sufficient distance from the rear boundary. The proposed swimming pool level is RL11.4m and the proposed raised ground levels within the rear yard RL11.2 are considered too high and will create possible amenity issues to the rear southern properties which front Brissenden Avenue.

A condition will be included to allow for a maximum of 0.2m fill raising the rear ground level from RL10.7 to RL10.9 (including retaining walls) and the swimming pool level 11.1m. Adequate screen planting along the southern boundary will also be condition to maintain privacy to all parties.

Given the above it is considered suitable condition(s) will ensure that this issue is addressed and does not warrant further amendment via condition(s) and/or refusal of this application.

- Plant (acoustics)

Issues were raised about the possible location of plant along the neighbour's property and or external to the building.

Comment: On review of the plans it is noted that there are a number of plant rooms within the building. A plant room and electric riser are centrally located at the rear of the building on Lower Ground Floor Plan. On the Basement Plan (within the building) there are two (2) electric riser for Lift A and Lift B and a plant room centrally located to the front of the building. It is considered there is sufficient area for plant services within the building to maintain reasonable acoustic amenity.

A condition will be also included to ensure this outcome. Given the above it is considered that issue is addressed and does not warrant further amendment via condition(s) and/or refusal of this application.

- Lighting

Issues were raised about internal and external light spilling to the north towards No. 11 Brissenden Avenue and causing nuisance to bedrooms and living spaces.

Comment: Reviewing the amended plans in particular the southern elevation it is considered that the windows are proportionally sized and coupled with their proximity and spatial separation to the dwelling at No. 11 Brissenden Avenue it is deemed that internal lighting would be reasonable. In relation to external light sources a condition will be included that all external lighting is to be directed on the subject property (9 - 11 Birdwood Avenue) to reduce light spill on to the adjoining properties to the south.

Given the above is considered that issue does not warrant refusal of the application subject to suitable condition(s).

- Consultation with neighbouring properties

Issues were raised by both Nos. 9 & 11 Brissenden Avenue that this was pre-consultation and/or consultation process for this proposal.

Comment: Council encourages both pre-consultation and consultation to ensure a reasonable outcome for all parties, however it is noted that this consultation process is not compulsory.

- Inconsistent with SEPP, objectives of the DCP, zone objectives of the LEP, aims of the LEP, objectives of the relevant EPI's and objects of EPAA 1979

Issues was raised within the submissions from No. 11 Brissenden Avenue in relation to the proposal been inconsistent with LEP and DCP controls as follows:-

"Section 4.15(1) (a)(i) Provisions of any Environmental Planning Instrument, the development is inconsistent with PLEP 2014

Section 4.15(1) (a)(iii) Provisions of any DCP, the development is inconsistent with PDCP"

Comment: The site is located within the former Warringah Local Government Area (LGA) and therefore the applicable environmental planning instruments are Warringah Local Environmental Plan 2011 (WLEP 2011) and Warringah Development Control Plan 2011 (WDCP 2011) not the Pittwater Local Environmental Plan 2014 (PLEP 2014) and Pittwater Development Control Plan 21 (PDCP).

The proposed development has been assessed against the relevant SEPP's, objectives of the WLEP 2011, objectives of the WDCP 2011 and the objects of the EP&A Act 1979 and is considered to demonstrate general compliance with these controls.

- Reasons for refusal

Comment: It is noted that No. 11 Brissenden Avenue raised these non-compliances with the above EPI's as reasons for refusal. However the site is located within the former Warringah Local Government Area (LGA) and therefore the applicable environmental planning instruments are Warringah Local Environmental Plan 2011 (WLEP 2011) and Warringah Development Control Plan 2011 (WDCP 2011) not the Pittwater Local Environmental Plan 2014 (PLEP 2014) and Pittwater Development Control Plan 21 (PDCP), therefore are not valid reasons for refusal.

- Impose conditions

A request was made by the owners of No. 11 Brissenden Avenue via their architect (Mr Tulloch) to impose the following conditions:-

"A. Stormwater Disposal

B. Geotechnical Report Recommendations to be incorporated into design and structural plans

C. Boundary Identification Survey

D. Survey Certificate

E. Vehicle Driveway Gradients

F. Structural Adequacy

G. Excavation Work

H. Shoring of Neighbours boundary

I. Protection of Adjoining Property- Excavation

J. Soil & Water Management Program

K. Dilapidation Report

L. Tree Protection

M. Road Reserve

N. Landscape Completion Certificate

O. Stormwater Disposal Certificate

P. Structures located near boundary Certificate

- Q. Geotechnical Certificate
- R. Post Construction Dilapidation Certificate prior to Occupational Certificate
- S. Certification of Structures
- T. Swimming Pool Requirements
- U. Glare & Reflection
- V. No excavation within 1m of boundary
- W. Retaining walls structures near boundary to be fully designed and certified by structural engineer
- X. Compliance with Standards
- Y. Removing, Handling and disposing of Asbestos
- Z. 3m high Hoarding to be setback 5m from rear boundary, until external works commence at the end phase of the project. Hoarding to be fixed solid marine ply panel and painted facing rear boundary. 5m rear setback zone to be kept free of building material, and land kept level and clear of all material at all times. Limited access during main construction phase for security and vibration monitoring at boundary only.
- AA. Dust Control during demolition, excavation and main construction activity"

Comment: Council has reviewed the above proposed conditions and considered that a majority of these conditions are a reasonable request. Specific conditions will be included within the recommendation of this report for determination by the Development Determination Panel (DDP).

- Alleged misleading statement within the Statement of Environmental Effects (SEE) regarding view loss from the ground floor

Issue was raised by the owners of No.9 Brissenden Avenue in relation to a statement contained within the Statement of Environmental Effects (SEE) submitted with the application:-

"This would also apply to number No. 9 Brissenden Avenue as the existing ground level of the residence does not currently have any view towards the coastline; however, the first-floor balcony does have filtered views by way of the existing side boundary setback to the residence currently erected on No 9-11 Birdwood Avenue."

Comment: It is noted that the above statement is incorrect and that No. 9 Brissenden Avenue currently has filtered views from the ground floor from the kitchen and dining area to the north. Council acknowledges this error made by the applicants town planner and has considered all matters during the assessment of this application and made recommendations accordingly.

It is considered that this issue is not sufficient to warrant refusal of this application.

- Massing Envelope Reductions

A request was made by No. 11 Brissenden Avenue for the following:-

1. "Roof height be no greater than RL 13.4 to RL 13.1 at the southern end There can be no other plant, equipment, solar panels or any other fixture on the roof above these levels. No raised roof in any area. The roof must be non-reflective, dark earthy tones, and emit no glare.
2. Other floorplates - A modest ramp down to the car park level could increase the very generous floor to ceiling heights even higher above 3.2m if required.
3. Landscape - "Elaeocarpus reticulatus 'Prima Donna' species proposed for the south west corner and on the western boundary of the site which are substantial which can grow up to (at the extreme height) 15m in height and 5m in width. Trisaniopsis laurina 'Luscious' species proposed for the southern boundary of the site which are also substantial and can grow (at the

extreme height) up to 15m.

4. All retaining walls and raised fill in the rear setback zone is to be deleted.

5. The Applicant is to maintain the property boundary levels.

6. The Applicant is to maintain existing ground levels within 1m to the allotment boundary.

7. AC Plant & Pool Plant not to be positioned along boundary to neighbour's property, and to be positioned in a dedicated acoustic rated plant room.

8. No external lighting facing neighbour's property or internal lighting causing lighting nuisance to neighbour's property.'

Comment:

(1) The proposal subject to condition (lowering the upper ground floor levels by 0.1m) will ensure compliance with the SEPP (HSPD) 2004. The proposal has been lowered from the original roof heights of RL 16.0 and RL15.2 to the amended levels of RL15.4 and RL14.55. As stated previously a condition will be included for a further reduction of the building down a further 0.1m therefore the conditioned roof heights will be RL15.3 and RL14.45. The overall roof heights at the southern elevation will be 3.8m and 4.7m above natural ground level.

(2) The proposed driveway has been reviewed by Council's Development Engineers and considered to be satisfactory. Additional information from the applicants Accessibility Consultant has also confirmed that the proposed driveway will demonstrate compliance with the SEPP (HSPD) 2014 Clause 26 Location and access to facilities.

(3) Amended Landscape Plans were submitted with the set of revised plans and reviewed by Council's Landscape Advisor. It is noted that key issue was raised with the planting of species within the rear yard, in particular along the western and eastern side portions of the site. It is noted that the "*Elaeocarpus reticulatus* 'Prima Donna' species on average grows to 4 - 5 in height and 3m in width and *Trisaniopsis laurina* 'Luscious' may grow to 7 - 12m in height and 5m in width. Given this it is considered *Elaeocarpus reticulatus* 'Prima Donna' maybe suitable however the proposed *Trisaniopsis laurina* 'Luscious' be replaced with a tree/plant/shrub which will not exceed a height of 6 metres.

(4) A condition will be included to allow for a maximum of 0.2m fill raising the rear ground level from RL10.7 to RL10.9 (a reduction of 0.3m in height) and the swimming pool level will be reduced down from the proposed RL 11.4 to RL11.1m (reduction 0.3m in height).

(5) Suitable conditions can be imposed.

(6) Council has reviewed and assessed the proposal and incorporated suitable condition(s).

(7) Council has reviewed and assessed the proposal and incorporated suitable condition(s).

(8) Council has reviewed and assessed the proposal and incorporated suitable condition(s).

- Site analysis - water views

Issue was raised by No.11 Brissenden Avenue that views were not properly address on the Site Analysis.

Comment: It is noted that on the Site Analysis Plan (DA.00) a notation with "WATER VIEWS" directed in a northerly direction. It is considered that sufficient information including the plans, SEE, view analysis and assessment by Council ensures that there is sufficient information to

complete a proper assessment of the proposal and the possible impact on No. 11 Brissenden Avenue.

Given the above it is considered that this issue is not sufficient to warrant refusal of this application.

- Byron Shire Businesses for the Future Inc v Byron Council (the Club Med Case) - absence of relevant detail invalidates the very decision-making process

Matters that were raised stating the above court decision by the NSWLEC "*showing that absence of relevant detail invalidates the very decision-making process.*"

Comment: The initial and amended information (plus supplementary information) supplied by the applicant, including the assessment by Council are considered sufficient to allow for proper and full assessment of this Development Application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objections subject to conditions to ensure compliance with the Building Code of Australia (BCA). It is noted that the proposed development may not fully comply with some requirements of the BCA however it is considered that these matters may be readily determined at Construction Certificate Stage and by way of an acceptable 'Alternate Solution' Design.
Environmental Health (Acid Sulphate)	<p>I have reviewed the Statement of Environmental Effects and the Geotechnical Report into Acid Sulphate Soils prepared by Crozier Geotechnical Consultants (reference: Revision 0, dated 13 February 2020).</p> <p>The site is currently occupied by a two storey house and demolition of the dwelling is approved separately under a Complying Development Code. This development proposal is for a Seniors Living Development comprising four single-level dwellings with basement car parking. The proposal includes lifts and equipment/plant rooms and swimming pools. Fill is required up to 1.40m depth at the rear of the property.</p> <p>The works require excavation of up to 5.60m depth, which reduces to nil towards the front north boundary, to achieve the basement level with a finished floor level at RL4.75. The excavation will extend to within 1.90m of the east side boundary, 1.00m of west side boundary and 13.0m of the south boundary.</p>

Internal Referral Body	Comments
	<p>The Geotechnical Report into Acid Sulphate Soils advises that test results indicate that Actual and Potential Acid Sulphate Soils are not present below the surface of the site or within the location of the proposed works. Water seepage was identified within the bore sample however, the report advises that a water table will not be intersected or lowered. The report also advises that test results do not trigger the requirement for an acid sulphate management plan as the excavation is unlikely to intersect these soils or impact the water table and as per the guidelines of the NSW Acid Sulphate Soil Manual an Acid Sulphate Management Plan is not required.</p>
Environmental Health (Contaminated Lands)	<p>Part 6.2 of the Statement of Environmental Effects relates to State Environmental Planning Policy 55 – Remediation of Land. The SoEE advises:</p> <ol style="list-style-type: none"> 1. The likelihood of encountering contaminated soils on the subject site is extremely low considering the following: <ol style="list-style-type: none"> (a) Council's records indicate that the site has only been used for residential purposes. (b) The site and surrounding land are not currently zoned to allow for any uses or activities listed in table 1 of the Contaminated Land Planning Guidelines of SEPP 55. (c) The site does not constitute land declared to be an investigation area by a declaration of force of Division 2 of Part 3 of the Contaminated Land Management Act 1997. 2. Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development (Senior Living Development). Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of the development on the land.
Environmental Health (Industrial)	<p>This development comprises four single-level dwellings with basement car parking. The proposal includes lifts and equipment/plant rooms and swimming pools. The Statement of Environmental Effects has briefly discussed noise. Consent conditions have been included to protect noise amenity.</p>
Landscape Officer	<p>The Arborist's Report and Landscape Plans provided with the application are noted.</p> <p>The Arborist's Report indicates 10 trees on site to be removed and one small shrub on the road verge to be removed to accommodate the proposed works. The trees are not considered to be significant and no objections are raised to removal in this instance.</p> <p>The Landscape Plans indicate that 21 small/medium sized trees and palms are to be replanted along with shrubs and groundcovers.</p> <p>The plans are considered adequate to address the planning controls.</p>

Internal Referral Body	Comments
	No objections are raised to approval subject to conditions as recommended.
NECC (Bushland and Biodiversity)	<p>The proposed development has been assessed against the following biodiversity planning requirements. Clause E4 Wildlife Corridors of Warringah DCP 2011, and clause 13 Development on land within the coastal environment area of State Environmental Planning Policy (Coastal Management) 2018.</p> <p>The development will remove several native trees, and the impacts have been assessed in a flora and fauna report. The development is generally designed, sited to avoid a significant adverse impact. However in order to comply with the DCP it is recommended that the species palette of the landscape plan is amended to further mitigate that impact. This is also recommended in the ecological report submitted.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Warringah LEP 2011 and Warringah DCP 2011.</p> <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Coastal Management) 2018 The subject land has been included on the 'Coastal Use Area' map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 14 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>On internal assessment and as also assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Tomasy Pty. Ltd. dated April 2020, the DA satisfies requirements under clauses 14 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p>

Internal Referral Body	Comments		
	<p>Warringah LEP 2011 and Warringah DCP 2011</p> <p>No other coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Warringah LEP 2011 and Warringah DCP 2011.</p>		
NECC (Development Engineering)	<p>The proposal to discharge stormwater to the council system via an extension to the Council pipeline in Birdwood Avenue is acceptable subject to conditions. The omission of an OSD system for the development is acceptable due to the site's proximity to the ocean discharge. The proposal requires the construction of a footpath up to Pittwater Road to gain access to the two nearest bus stops.</p> <p>No objections to approval subject to conditions as recommended.</p>		
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS		
	Discussion of reason for referral		
	The subject property is not a heritage item but was identified as being of potential heritage value		
	Details of heritage items affected		
	As the property is not heritage listed, there is no inventory form for the property. However it appears to contain elements of a substantial inter-war Californian bungalow dwelling.		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
	Consideration of Application		
The proposal seeks consent for the construction of a seniors living development. Heritage identified the property as being of potential heritage significance in the prelodgement report for this site and indicated it would require a heritage report to be produced as part			

Internal Referral Body	Comments
	<p>of any future application. This report was to investigate the history of the site and assess its significance against the NSW Heritage Office's criterion for listing. As no report assessing the significance of the site has been included with the application, Heritage is unable to determine the level of impact. Heritage recommends such a report be prepared and submitted.</p> <p>Updated Comments - 24 June 2020</p> <p>A heritage report into the property and its potential significance was submitted. The report by NBRS + Partners concluded that the property was not of heritage significance. This conclusion is agreed with. Further, an photographic archival recording was also submitted which adequately captures the building in its current state. Therefore Heritage raises no objections, and requires no conditions.</p> <p>Further Comments</p> <p>COMPLETED BY: Brendan Gavin, Principal Planner</p> <p>DATE: 13 May 2020 - Updated 24 June 2020</p>
Strategic and Place Planning (Urban Design)	<p><i>"The proposal has generally addressed the issues identified in the Pre-lodgement Meeting (details provided below) except for the front setback which has been proposed at 4 to 5m (6.5m required). Planterboxes of about 1m wide have been provided to the balconies encroaching the front setback. Considering the street front address of the surrounding properties which have varying front building setbacks ranging from zero to 6.5m, the breach is considered acceptable in terms of builtform impact. Moreover, adequate landscaping buffer has also been provided to soften the encroachment."</i></p> <p>Planner Comments: The varying front building setbacks of existing development along Birdwood Avenue ranges from nil to 6.5m. With adequate landscaping this will soften the look and address the streetscape which will lessen the encroachment of the building ensuring compliance with the merit consideration of Clause B7 Front Boundary Setbacks of WDCP 2011.</p> <p>"PLM Comments: <i>The proposal should address the following issues:</i> 1. <i>The R2 Low Density Residential zone calls for low density residential environments that are characterised by landscaped settings that are in harmony with the natural environment. SEPP seniors calls for a harmonious fit with existing streetscape character. (Refer to Seniors Living Policy – Urban design guidelines for infill development).</i></p> <p><i>The current streetscape consist of large freestanding houses with generous green buffer spaces in between them. The current proposal</i></p>

Internal Referral Body	Comments
	<p><i>of four seniors' living units which is an increase in densities need not be out of character with their surroundings. The linear facades of the current proposal need to be broken up to achieve the look of two 'big houses' from the street view with more built form articulations and major landscape breaks between them.</i></p> <p><i>The top single-storey units at the back of the site could have distinct roof forms to be perceived as two free standing pavilions sitting in a generous terraced landscaped setting/ roof gardens on the sloping site. No permanent roof structure should be located within the rear building setback of 6m. The landscaped indent on the west elevation should be repeated on the eastern side to help break up the building mass as it steps up the hill slope."</i></p> <p>Planner Comments: The amended plans have addressed the above comments and the units demonstrate sufficient spatial separation thus brake up the building design to ensure good articulation and modulation while addressing the streetscape. The roof structures (awnings) for Units 3 & 4 have been deleted via conditions ensuring the rear building setback is free of any above structures ensuring compliance and therefore demonstrating compliance with the merit considerations of Clause B9 Rear Boundary Setbacks of WDCP 2011. The amended landscape plans and conditioning will ensure generous landscaping for the occupants while soften the built form.</p> <p><i>"2. The front building setback of 6.5m has been breached with the cantilevered terraces set-backed by only 2m. A harmonious fit with neighbouring building front setbacks needs to be demonstrated. New developments should complement surrounding dwellings and minimise impacts by blending into the local area.</i></p> <p><i>There are huge area of 'sub-floor void' space proposed on the lower ground floor plan which could be redesigned to allow the whole unit layout to be push further back into the void space thereby allowing the terraces fronting the street to be located behind the front setback line."</i></p> <p>Planner Comments: The proposed front setbacks of the proposed development are considered to be consistent with varying front setbacks of existing development along Birdwood Avenue and overall is considered with the landscaping will complement the surrounding dwellings and blend into the streetscape.</p> <p><i>"3. The internal courtyard garden in unit 2 will have undesirable overlooking and noise nuisance issues from the upstairs units. Introducing adequate landscape buffer planter boxes/ roof garden setbacks are possible solutions to mitigate the issue."</i></p> <p>Planner Comments: The amended design has increased the size of the planter boxes to minimise overlooking and noise nuisance from the upper units.</p> <p><i>"4. The proposal seek to provide new dwellings that feature a high</i></p>

Internal Referral Body	Comments
	<p><i>level of amenity. Similarly site planning and design should also respect the privacy and amenity enjoyed by existing surrounding neighbouring properties currently experiencing a pleasant outlook given the verdant setting of the existing single dwelling on a triple-lot site. Issues of view sharing should be investigated and mitigated solutions proposed."</i></p> <p>Planner Comments: The amended design coupled with condition(s) will ensure that a high level of amenity is maintained for adjoining and surrounding properties. View loss has been investigated by the applicants architect and by Council Planner and it is considered that views will be maintained to reasonable level. There will be new opportunities for views over the proposed development which were once obscured by the existing two (2) dwelling at 9 -11 Birdwood Avenue, coupled with the removal of the existing vegetation which currently obscures views to these properties to the south.</p> <p><i>"5. The proposed clean line look of a 'modern beach house' imagery with a neutral palette of material finishes of stone and aluminium screens is generally supported."</i></p> <p>Planner Comments: The amended proposal maintains this modern beach house' imagery with a neutral palette of material finishes of stone and aluminium screens and the proposed development is considered to be supported.</p>
Traffic Engineer	<p>The proposal is for demolishing the existing structure and building 4 Independent Living Units (ILU) includes one 2bedroom unit and three 3 bedroom units.</p> <p>Traffic:</p> <ul style="list-style-type: none"> · Demolition and Construction Traffic Management Plans are required. · Traffic generation: Negligible and no concern. <p>Public transport available</p> <p>It is available on Pittwater Road. The applicant is to upgrade both bus stops to be DDA compliant.</p> <p>Parking:</p> <ul style="list-style-type: none"> · Required

Internal Referral Body	Comments
	<p>Vehicles....</p> <ul style="list-style-type: none"> - As per SEPP 0.5 space / bed room OR 1 space / each 5 dwellings. - 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) <p>Accordingly....</p> <ul style="list-style-type: none"> - One 2 bed-room require 1 space - Three 3 bedroom 4.5 space. <p>· Provided:</p> <p>The site is proposing 8 spaces (2spaces / unit) on the basement level including</p> <p>1 accessible space (capable for 4 accessible space).</p> <p>Parking requirements satisfied subject to 'shared area' of disable parking should be marked and bollard need to be installed.</p> <p>Access and circulation swept paths:</p> <p>· Access:</p> <ul style="list-style-type: none"> - Existing vehicular crossing will be replaced with kerb & gutter. - New combined (entry/exit) driveway width 6m. - Exit/Entry in a forward direction <p>· Swept paths</p> <ul style="list-style-type: none"> - Not provided. However, aisle width of 7.2m looks OK for turnings. <p>The applicant is to construct a footpath, minimum 1.5m clear width, along the entire site frontage and for the length required linking to the existing footpath on Pittwater Road. The grades must be compliant with those required under the SEPP Section 3 'Quality of Access'. Evidence of this compliance must be provided to Council prior to the</p>

Internal Referral Body	Comments
	<p>consent becoming active.</p> <p>Pedestrian safety: No concerns.</p> <p>Servicing: On-street waste collection is deemed acceptable.</p> <p>Ongoing All facilities should be maintained throughout the lifetime of project.</p> <p>Conclusion In view of the above, the development proposal can be approved with conditions.</p>
Waste Officer	Waste Management Assessment Proposal is approved with conditions.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
NSW Roads and Maritime Services (Traffic Generating Development)	The proposal was referred to Transport NSW who provided a response stating that the proposal is acceptable subject to compliance with the relevant Australian Standards AS 2890.1- 2004 & AS2890.6-2009. These recommendations will be included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans

(SREPs)

SEPP 55 - Remediation of Land

Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1091405M_02 dated 15 April 2020). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 0004752940 dated 9 April 2020).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	45	45

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Housing for Seniors or People with a Disability) 2004

The development application has been lodged pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (HSPD)) as the development is for four (4) self contained dwellings.

Chapter 1 – Preliminary

The aims of the Policy are set out in Clause 2 and are as follows;

This Policy aims to encourage the provision of housing (including residential care facilities) that will:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
- (b) make efficient use of existing infrastructure and services, and
- (c) be of good design.

Comment:

The proposed development is considered to be consistent with the aims of the Policy as set out above for the following reasons:

- (a) The development will increase the supply and diversity of residences that meet the needs of seniors or people with a disability.
- (b) The proposed development also makes efficient use of existing infrastructure and services, in that

the site is well serviced by existing public transport and is located within 400m of the nearest bus stops along Pittwater Road. The site is located approximately 500m from a local retail centre (Collaroy Shops) which provides a mix of essential retail and commercial services.

c) When considering the development against the aim of achieving good design, the development must be considered in context with other provisions of the SEPP.

In particular, that development pursuant to this SEPP is to be of scale and so that is able to fit reasonably within its local context.

In this regard, this assessment has found that the built form of the development maintains a reasonable level of amenity and is compatible with the area in which it will sit. The development does not give rise to any adverse amenity impacts in terms of privacy, view loss or overshadowing and will fit reasonable within its local context.

Chapter 2 – Key Concepts

Comment:

The development comprises self-contained dwellings, which are to be occupied by seniors or people with a disability. On this basis, it is considered that the proposed development is consistent with Chapter 2 of the SEPP.

Chapter 3 – Development for seniors housing

Chapter 3 of SEPP HSPD contains a number of development standards applicable to development application made pursuant to SEPP HSPD. Clause 18 of SEPP HSPD outlines the restrictions on the occupation of seniors housing and requires a condition to be included in the consent if the application is approved to restrict the kinds of people which can occupy the development. If the application is approved the required condition would need to be included in the consent. The following is an assessment of the proposal against the requirements of Chapter 3 of SEPP (HSPD).

Development Criteria			
Clause	Requirement	Proposal	Complies
PART 2 - Site Related Requirements			
26(1)	Satisfactory access to: (a) shops, banks and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner	The subject site has satisfactory access to these services.	Yes
26(2)	Access complies with this clause if: (a) the facilities and services referred are located at a distance of not more than 400 metres from the site or (b) there is a public transport service available to the residents not more than 400 metres away.	Bus services located within 400 metres of the subject site on Pittwater Road. Pathways are provided along Pittwater Road and Collaroy Beach Reserve.	Yes
27	If located on bush fire prone land,	The site is not located within	N/A

Development Criteria			
Clause	Requirement	Proposal	Complies
	consideration has been given to the relevant bushfire guidelines.	Bushfire Prone Land.	
28	Consideration is given to the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure.	Given the existing residential use of the site and documentation provided the site has access to reticulated water and sewerage infrastructure.	Yes
29	<p>Consideration must be given to whether the proposal is compatible with the surrounding land uses having regard to the following criteria specified in Clauses 25(5)(b)(i), 25(5)(b)(iii), and 25(5)(b)(v):</p> <p>i) the natural environment and the existing uses and approved uses of land in the vicinity of the proposed development</p> <p>iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development and any proposed financial arrangements for infrastructure provision,</p> <p>v) the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.</p>	<p>The development is compatible with the surrounding natural environment and existing residential use of land within the vicinity of the proposed development.</p> <p>The site is served by existing infrastructure (electricity, water and sewerage) that is capable of meeting the demands that will arise from the development.</p> <p>For the reasons outlined within this report, the development is considered to be compatible with the bulk, scale, built form and character of the surrounding area.</p>	Yes
PART 3 - Design Requirements – Division 1			
30	A site analysis is provided.	A detailed site analysis in plan form and within the Statement of Environmental Effects has been provided which satisfactorily addresses the requirements of this control.	Yes

Clause 31 Design of in-fill self-care housing

Pursuant to Cause 31 in determining a development application to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* published by the former NSW Department of Infrastructure, Planning and Natural Resources dated March 2004.

The provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* have been taken into consideration in the assessment of the application against the design principles set out in Division 2, Part 3 of SEPP HSPD. A detailed assessment of the proposals inconsistencies with regards to the requirements of SLP is undertaken hereunder.

Section	Requirements	Comment
1. Responding to context	<p>Built Environment – New development is to follow the patterns of the existing residential neighbourhood in terms of built form.</p> <p>Policy environment – Consideration must be given to Councils own LEP and/or DCPs where they may describe the character and key elements of an area that contribute to its unique character.</p>	<p>Generally, the development follows the pattern of the existing residential neighbourhood in terms of its built form.</p> <p>The established built form in the neighbourhood is characterised by a mix of detached style dwelling houses, one to two storeys in height within landscaped settings, residential flat buildings and a care facility known as Sargood. Therefore it is considered that the proposed development is consistent with the built form environment and generally consistent with the policy environment (consideration of Council's LEP and DCP).</p>
2. Site Planning and design	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> Minimise the impact of new development on neighbourhood character Minimise the physical and visual dominance of car parking, garaging and vehicular circulation. 	<p>The development will present as a part single and two storey building when viewed from surrounding properties and Birdwood Avenue. The built form is consistent with bulk and scale of surrounding buildings. The bulk and scale of the development has been effectively minimised by appropriate building setbacks, articulation and landscaping.</p>
3. Impacts on streetscape	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> Minimise impacts on the existing streetscape and enhance its desirable characteristics Minimise dominance of driveways and car park entries in streetscape. 	<p>The proposed building will fit well with the existing streetscape of Birdwood Avenue. The design coupled with the proposed finishes and landscaping will ensure harmonious outcome with the streetscape. The basement garage will ensure vehicles are screened from the street while the driveway is located to the eastern portion of the frontage minimising any impact on the streetscape.</p>
4. Impacts on neighbours	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> minimise impacts on the privacy and amenity of existing neighbouring dwellings minimise overshadowing of existing dwellings and 	<p>The development has been assessed with regards to privacy, overshadowing, building bulk and view sharing.</p> <p><u>Privacy</u> The development has been designed having regard to maintaining a reasonable level of acoustic and visual privacy between</p>

Section	Requirements	Comment
	<p>private open space by new new dwellings</p> <ul style="list-style-type: none"> • retain neighbours views and outlook to existing mature planting and tree canopy • reduce the apparent bulk of development and its impact on neighbouring properties • provide adequate building separation 	<p>properties.</p> <p>Appropriate building setbacks and effective use of privacy treatments maintain a reasonable level of privacy to adjoining properties.</p> <p>The development satisfies the requirements and objectives of Clause D3 – ‘Noise’ and of Clause D8 – ‘Privacy’ under the WDCP 2011 under the WDCP 2011.</p> <p><u>Overshadowing</u></p> <p>The shadow diagrams provided by the applicant indicates that the development will not result in any unreasonable overshadowing over the neighbouring residential properties.</p> <p>The development satisfies the requirements and objectives of Clause D6 – ‘Access to Sunlight’ under the WDCP 2011.</p> <p><u>Building bulk</u></p> <p>As detailed throughout this report the bulk of the building and impact on neighbouring properties has been effectively minimised by way of appropriate building setbacks, articulation and building height.</p> <p>The development satisfies the requirements and objectives of Clause 4.3 - Height of Buildings Development Standard under WLEP 2011 and Clause D9 - 'Building Bulk' under WDCP 2011.</p> <p><u>View sharing</u></p> <p>The development will not have any adverse impact on view sharing and satisfies the Planning Principle established in Tenacity Consulting v Warringah [2004] NSWLEC 140 and Clause D7 – ‘Views’ under the WLEP 2011.</p>
5. Internal site amenity	Objectives of this section are	The development is served by

Section	Requirements	Comment
	<p>to:</p> <ul style="list-style-type: none"> Provide safe and distinct pedestrian routes to all dwellings and communal facilities. 	<p>pathway, lift and stairwell access/egress that provides safe and distinct pedestrian routes to all levels of the building, individual dwellings and to the communal facilities of the development.</p>

Clause 32 Design of residential development In accordance with Clause 32 of SEPP HSPD a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2 of Part 2.

The following table outlines compliance with the principles set out in Division 2, Part 3 of SEPP HSPD.

Control	Requirement	Proposed	Compliance
CL33 Neighbourhood amenity and streetscape	a. Recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area.	<p>The subject site is located within the R2 Low Density Residential zone. Surrounding land is similarly zoned with the exception of land to the east ('Sargood on Collaroy') which is zoned SP1 Special Activities.</p> <p>The area is characterised by a mixture of developments including a three (3) storey residential flat buildings, single detached dwellings and the Sargood Rehabilitation and Specialist Accommodation Centre located at the eastern end of Birdwood Avenue. On the northern side of Birdwood Avenue is Collaroy Beach Reserve, Collaroy Beach and Collaroy Surf Club.</p> <p>The development recognises the desirable elements of the subject sites current character and adopts a design that is consistent in built form with that of detached style housing and existing residential flat buildings (including dual occupancies) in the local area.</p> <p>The building has been well designed through appropriate building separation, setbacks and articulation.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>b. Retain, complement and sensitively harmonise with any heritage conservation area in the vicinity and any relevant heritage items that re identified in a local environmental plan.</p> <p>c. Maintain reasonable neighbour amenity and appropriate residential character by;</p> <p>(i) providing building setbacks to reduce bulk and overshadowing</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development,</p> <p>(iv) and considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours.</p>	<p>The development is well served by areas of landscaping which will enhance and soften the visual appearance of the development when viewed from surrounding properties and the streetscape.</p> <p>The subject site is located within close proximity to heritage items identified under WLEP 2011 Street trees and plague (Item No. 116) which is located to the north of the subject site. Given the proposal is located on the southern side of Birdwood Avenue it is will have minimal impact upon the item.</p> <p>The development maintains a reasonable level of neighbour amenity and appropriate residential character.</p> <p>The development has been designed having regard to maintaining a reasonable level of privacy to adjoining properties and for future dwelling occupants. Appropriate building separation, setbacks and articulation have been adopted in the design of the building to ensure the visual bulk and scale is appropriately minimised.</p> <p>The development allows for a reasonable level of solar access to be provided to adjoining properties and for future dwelling occupants in accordance with the requirements of the SEPP and Clause D6 - Access to Sunlight under WDCP 2011.</p> <p>The siting and design of the buildings appropriately relates to the sites land form and local topography.</p>	<p>Yes</p> <p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>d. Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,</p> <p>e. embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.</p>	<p>The development will not be readily viewable from the street and fits comfortably within the building envelope and maximum height of buildings</p> <p>The design of the development is sympathetic with the front boundary setback of development on other battle axe allotments in the surrounding area.</p>	Yes
		<p>30.7% (452 sqm) of the total site area is deep soil landscaped area. Landscaped areas are provided around the perimeter of the site, including within the access handles to the site.</p>	Yes
	<p>f. retain , wherever reasonable, major existing trees, and</p>	<p>The areas identified as soft landscaping provide a satisfactory level of landscaping through the provision of trees and shrubs which will assist in softening the appearance of the development when viewed from the street and neighbouring properties.</p> <p>The proposal includes the removal of a number of trees which are located within the building envelope area of each subject site. The application has been reviewed by Council's Landscape Officer who raises no objections to the removal of trees, retention of trees and provision of landscaping proposed subject to conditions which have been included in the recommendation of this report.</p>	Yes
	<p>g. be designed so that no building is constructed in a riparian zone.</p>	<p>The site is not located within a riparian zone.</p>	
CL 34 Visual and acoustic privacy	The proposed development should	The development has been designed having regard to	Yes

Control	Requirement	Proposed	Compliance
	consider the visual and acoustic privacy of neighbours in the vicinity and residents by: (a) Appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and (b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	<p>maintaining a reasonable level of acoustic and visual privacy between properties.</p> <p>Appropriate building setbacks and effective use of privacy treatments maintain a reasonable level of privacy to adjoining properties.</p> <p>The development satisfies the requirements and objectives of Clause D3 – ‘Noise’ and of Clause D8 – ‘Privacy’ under the WDCP 2011.</p> <p>The development satisfies this Principle.</p>	
CL35 Solar access and design for climate	<p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<p>The individual clauses are addressed as follows:</p> <p><i>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space,</i></p> <p><u>Comment</u> 100% of apartments will receive a minimum of two hours direct sunlight between 9am and 3pm in mid-winter. The shadow diagrams provided by the applicant indicate that the development will not result in any unreasonable overshadowing over the neighbouring residential properties to the east, south and west.</p> <p>The development satisfies the requirements and objectives of Clause D6 – ‘Access to Sunlight’ under the WDCP 2011.</p> <p><i>(b) involve site planning, dwelling design and landscaping that reduces</i></p>	Yes

Control	Requirement	Proposed	Compliance
		<p><i>energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</i></p> <p><u>Comment:</u> The development is accompanied by NatHERS Certificates which indicates that the development will a rating of between 5.6 Stars and 6.9 Stars with an average of 6.1 stars under the Nationwide House Energy Rating Scheme which is considered satisfactory for the location of the site.</p> <p>The environmental performance of the development is also guided by the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The development is defined under cl.3(1) of the Environmental Planning and Assessment Regulation, 2000 as BASIX Affected Development because it involves the erection of a BASIX Affected Building.</p> <p>A BASIX certificate has been submitted with the application which demonstrates the development will achieve compliance with the minimum targets.</p> <p>Therefore, the development satisfies the requirements of the SEPP.</p>	
CL 36 Stormwater	Control and minimise the disturbance and impacts of stormwater runoff and where practical include on-site detention and	<p>The applicant has submitted stormwater plans which have been reviewed by Council's Development Engineer.</p> <p>The plans demonstrate that the</p>	Yes

Control	Requirement	Proposed	Compliance
	water re-use.	development adequately manage stormwater run off on site in accordance with Council's requirements. The proposal is recommended for approval by Council's Development Engineer subject to conditions which have been included in the recommendation of this report.	
CL 37 Crime prevention	<p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</p> <p>(b) where shared entries are required, providing shared entries that serve a small number of dwellings that are able to be locked, and</p> <p>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<p>The development accommodates 4 units and is therefore not subject to an assessment under the principles of Crime Prevention Through Environmental Design (CPTED).</p> <p>Notwithstanding the above, the proposed development has been designed to meet the requirements of CPTED.</p>	Yes
CL 38 Accessibility	The proposed development should: (a) have obvious and safe pedestrian links	The development is capable of providing for obvious and safe pedestrian links to bus stops on Pittwater Road through the	Yes

Control	Requirement	Proposed	Compliance
	from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.	provision of a public pathway (s) which provides a continuous path to the surrounding local facilities (Collaroy Shops) and public transport. The development provides for a safe environment for pedestrians and motorists with convenient access and parking for residents and visitors.	
CL 39 Waste management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	Waste facilities are provided at the basement level at the front of the site in the form of two bin storage rooms and within the basement car park. These facilities have been assessed by Council's Waste Management Officer who did not raise any objection to the proposal. A Waste Management Plan has been provided with the application and accepted by Council's Waste Management Department.	Yes

Part 4 - Development standards to be complied with

Clause 40 – Development standards – minimum sizes and building height

Pursuant to Clause 40(1) of SEPP HSPD a consent authority must not consent to a development application made pursuant to Chapter 3 unless the proposed development complies with the standards specified in the Clause.

The following table outlines compliance with standards specified in Clause 40 of SEPP HSPD.

Control	Required	Proposed	Compliance
Site Size	1000 sqm	1472 sqm	Yes
Site frontage (building line)	20 metres	36.575m	Yes
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	6m	Yes
	A building that is adjacent to a boundary of the site must not be more than 2 storeys in	The building is no more than two storeys in height.	Yes

Control	Required	Proposed	Compliance
	height.		
	A building located in the rear 25% of the site must not exceed 1 storey in height (development within 10.058 metres of the rear boundary).	The development is single storey within the rear 25% of the site area will be conditioned to reduce the proposed Ground Floor RL11.5 to RL11.4 ensuring the subfloor area under the suspended slab does not exceed 1m above natural ground level.	Yes (conditioned)

Clause 41 Standards for hostels and self contained dwellings

In accordance with Clause 41 a consent authority must not consent to a development application made pursuant to Chapter 3 unless the development complies with the standards specified in Schedule 3 for such development. The following table outlines compliance with the principles set out in Schedule 3 of SEPP HSPD.

The application is supported by an Access Report (refer to Access Report prepared by Accessibility Solutions dated 8 October 2019) that demonstrates the development is capable of requiring with the requirements of Clause 41.

In this regard, compliance with the recommendations and requirements contained within the Access Report is included as a condition of consent within the Recommendation of this Report.

Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings

In accordance with Clause 50 of SEPP HSPD a consent authority must not refuse consent to a development application made pursuant to Chapter 3 for the carrying out of development for the purpose of a self contained dwelling on any of the grounds listed in Clause 50.

The following table outlines compliance with standards specified in Clause 50 of SEPP HSPD.

Control	Required	Proposed	Compliance
Building height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	6m	Yes
Density and scale	0.5:1	0.5:1 (736sqm)	Yes
Landscaped area	30% of the site area is to be landscaped	30.7% (452sqm)	Yes
Deep soil zone	15% of the site area Two thirds of the deep soil zone should be located at the rear of the site. Each area forming	30.7% (452sqm)	Yes

Control	Required	Proposed	Compliance
	part of the zone should have a minimum dimension of 3 metres.		
Solar access	Living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter	100% of the apartments living rooms and private open spaces receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter.	Yes
Private open space	15sqm of private open space per dwelling not less than 3 metres long and 3 metres wide	All dwellings provide adequate areas private open space.	Yes
Parking	(12 bedrooms proposed – 6 carparking spaces required)	12 bedrooms = 6 car spaces required. Car parking is provided for 8 car spaces.	Yes
Visitor parking	None required if less than 8 dwellings	No visitor spaces are proposed as only 4 dwellings.	Yes

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment: The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

Transport for NSW (TfNSW)

TfNSW has reviewed the submitted information and raises no objections to the proposed development. TfNSW provides the following comments for Council's consideration in the determination of the application:

1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, headroom, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009.

SEPP (Coastal Management) 2018

The site is located within the Coastal Use Area and Coastal Environment Area as identified by State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) and the provisions of this policy are applicable in relation to the proposal. Following detailed assessment of the proposed development, the consent authority can be satisfied of the following:

- The proposal is not likely to cause an adverse impact upon the matters listed in clause 13(1) of the CM SEPP
- The proposal has been designed, sited and will be managed to avoid adverse impacts on the matters listed in clause 13(1) of the CM SEPP
- The proposal is not likely to cause an adverse impact upon the matters listed in clause 14(1) of the CM SEPP
- The proposal has been designed, sited and will be managed to avoid adverse impacts on the matters listed in clause 14(1) of the CM SEPP
- The proposal is not likely to cause increased risk of coastal hazards on the site or other land as listed in clause 15 of the CM SEPP

As such, the proposal is considered to be consistent with the provisions of the CM SEPP, including the matters prescribed by clauses 13, 14 and 15 of this policy.

Coastal Management Act 2016

The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development.

The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies

Height of Buildings:	8.5m	6m	N/A	Yes
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Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Part 2 Permitted or prohibited development	Yes
2.6 Subdivision - consent requirements	Yes
Land Use Table	Yes
Part 4 Principal development standards	Yes
4.2A Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones	Yes
4.3 Height of buildings	Yes
Part 6 Additional Local Provisions	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	5.5m	N/A	Yes
B3 Side Boundary Envelope	4m (east)	Within envelope	N/A	Yes
	4m (west)	Within envelope	N/A	Yes
B5 Side Boundary Setbacks	0.9m (east)	2m (Basement)	N/A	Yes
		2m (Lower Level)	N/A	Yes
		2m (Upper Ground)	N/A	Yes
	0.9m (west)	1m - 2m (Basement) 2m - 4.3m (Lower Level) 2m (Upper Ground)	N/A N/A N/A	Yes Yes Yes
B7 Front Boundary Setbacks	6.5m	5m - 6m (Basement) 4m to 8.6m (Lower Level) 19.79m	7.7% - 23.1% Nil - 38.5% N/A	No No Yes
B9 Rear Boundary Setbacks	6m	6m (building) 3.3m (awning) 1m (swimming pools)	N/A 45% N/A	Yes No* Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	N/A - Provision of Landscaped Open Space is covered under SEPP HSPD	N/A	N/A

* Proposed awning structures for Units 3 & 4 are not supported and will be conditioned to be deleted.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part B Built Form Controls	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
Part C Siting Factors	Yes	Yes
C1 Subdivision	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Part D Design	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	N/A	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
Part E The Natural Environment	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B7 Front Boundary Setbacks

Description of non-compliance

Clause B7 requires development to be sited 6.5m from the front property boundary.

	Proposed	Non-compliance	%
Basement	5m to 6m	0.5 to 1.5m	7.7% - 23.1%
Lower Ground Floor	4m to 8.6m	Nil to 2.5m	Nil - 38.5%
Upper Ground Floor	19.79m	Nil	Nil

As list above the proposal demonstrates varying front setbacks to the basement and lower ground floor. It is noted front setbacks of existing development in Birdwood Avenue is varied from nil setbacks (Sargood, No 15 - 17 Birdwood Ave & 19 Birdwood Ave) to 6m setbacks and greater.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense of openness.*

Comment: The proposed basement level demonstrating adequate spatial separation to the front boundary ensuring a sense of openness is maintained. This level will also be screened by landscaping to soften the appearance to the streetscape. of a design similar to that of other dwellings in the immediate vicinity of the site. The lower ground floor level balconies are open structures which will maintain a reasonable sense of openness and the development has appropriate spatial separation to the adjoining buildings to the east and west.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment: There are a number of existing dwellings, garages with balconies and verandas forward of the building line in Birdwood Avenue. The proposed development is considered to be generally in-keeping with the existing building pattern and maintains visual continuity with landscaped elements in the front setback area.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment: The proposed development will assist in articulating and modulating the bulk of the

new dwelling and is of a design which will protect and enhance the visual quality of the streetscape.

- *To achieve reasonable view sharing.*

Comment: This front portion of the proposal is not expected to cause any unreasonable view impact or reduce view sharing from adjoining properties.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in S1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D7 Views

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To allow for the reasonable sharing of views.*

Comment:

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

1. Nature of the views affected

"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

Comment to Principle 1:

9 Brissenden Avenue: Views from this property are views of Collaroy/Narrabeen Beach where the interface of the ocean is met. Views are achieved from the ground and first floor levels. Views are classified as partial views due to the existing dwelling located at 9 - 11 Birdwood Avenue and vegetation on the subject site and trees located within Collaroy Beach Reserve obscuring views via this view corridor.





View from ground floor dining area

**View from first level from balcony at No. 9 Brissenden Avenue
(orange pole indicates lower roof above Unit 4)**



11 Brissenden Avenue: Views from this property are views of Collaroy/Narrabeen Beach and Narrabeen Head plus headlands beyond where the interface of the ocean is met. Views are achieved from the ground and first floor levels. Views are classified as partial views due to the existing dwelling located at 9 - 11 Birdwood Avenue and vegetation on the subject site and trees located within Collaroy Beach Reserve obscuring views via this view corridor.





View from ground level within living area at No. 11 Brissenden Avenue

**View from first level from balcony at No. 11 Brissenden Avenue
(orange pole indicates lower roof above Unit 4)**

2. What part of the affected property are the views obtained

“The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic”.

Comment to Principle 2:

9 Brissenden Avenue: Views are achieved over the rear northern boundary. Views are achieved from a sitting and standing position on the ground and first floor levels.

11 Brissenden Avenue: Views are achieved over the eastern side boundary and then over the rear boundary of 9 Brissenden Avenue (which is the adjoining property to the east). Views are achieved from a sitting and standing position on the ground and first floor levels.

3. Extent of impact

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued

because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.

Comment to Principle 3:

9 Brissenden Avenue: Views from the ground floor level (kitchen and living room) will be lost by the proposed development. It is noted views from the first floor level (bedrooms and the upper northern balcony) will be maintained. View loss is assessed as minor/moderate.

11 Brissenden Avenue: Views from the ground floor level (kitchen and living area) will be lost by the proposed development. It is noted views from the first floor level (bedrooms and the upper northern balcony) will be maintained. View loss is assessed as minor/moderate.

4. Reasonableness of the proposal that is causing the impact

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

Comment to Principle 4:

9 & 11 Brissenden Avenue: The proposed development is a senior development which has specific design criteria any building elements been constructed within the rear 25% of the site been only single storey construction. Issues have been raised and investigated and is noted that the subfloor is 1m above the natural ground level and hence a condition has been included with this recommendation for the Upper Ground Level to be lowered from RL 11.5 to RL11.4 ensuring the subfloor is 0.9m above natural ground level and ensuring compliance with SEPP (Housing for Seniors or People with a Disability) 2004 Part 4, Division 1, Clause 40 Development standards - minimum sizes and building height (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.

Viewing the amended plans and subject to the condition imposed by Council it is considered that the proposed development is acceptable and the view sharing is reasonable.



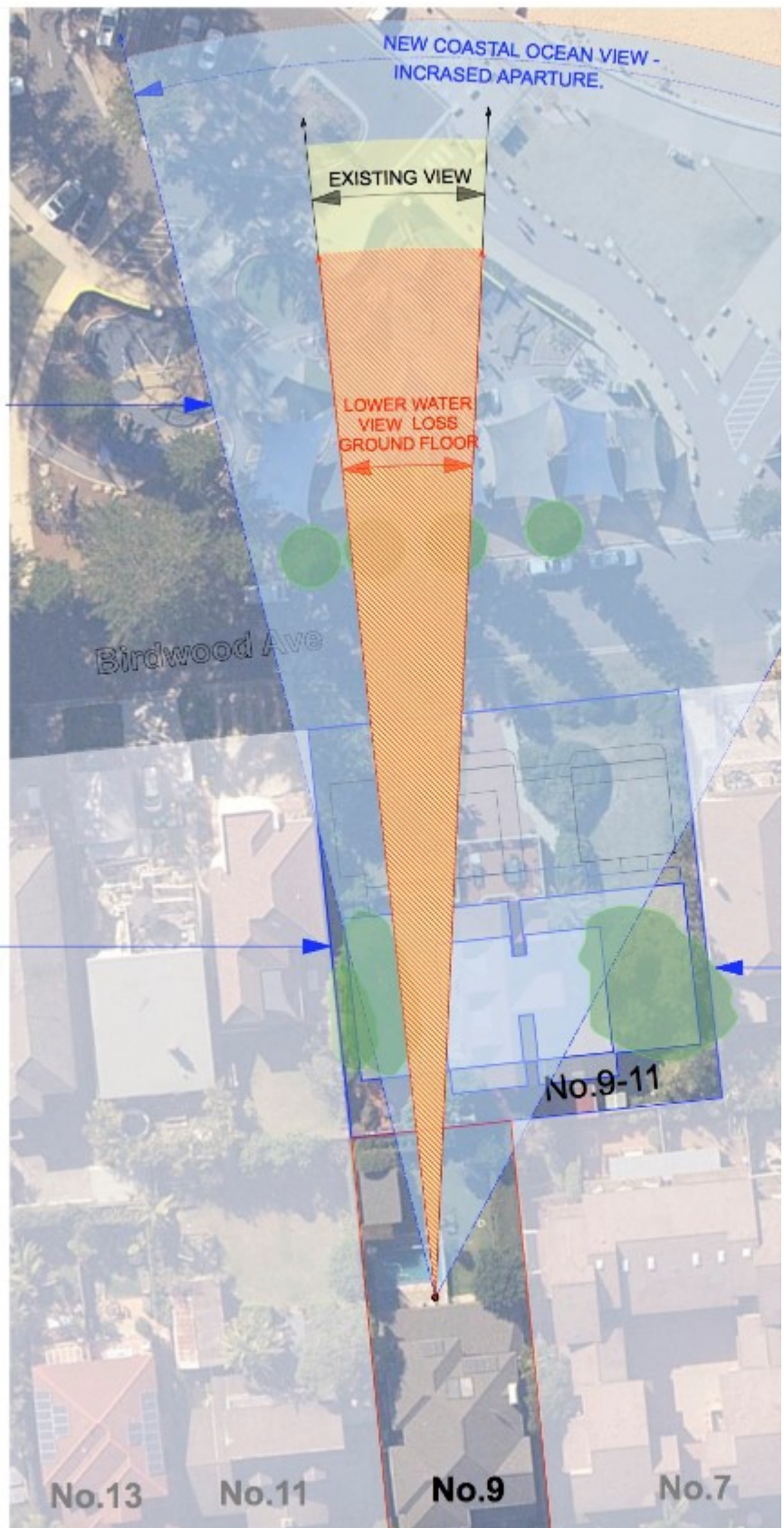


LEGEND	
	EXISTING VIEW
	PROPOSED VIEW
	VIEW LOSS

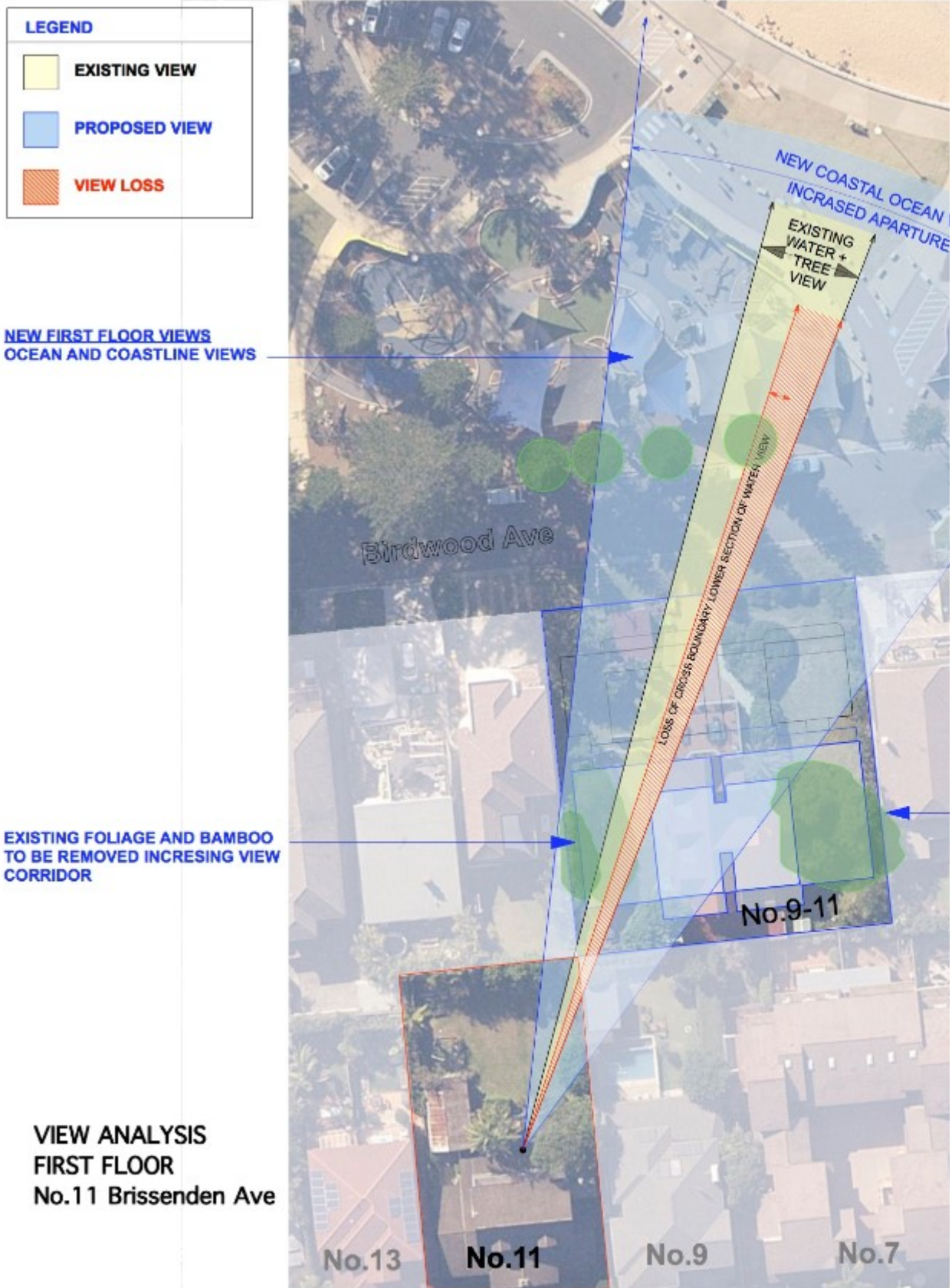
NEW FIRST FLOOR VIEWS
SURF AND SAND VIEWS OF
COLLAROY AND NARABEEN
BEACH.

EXISTING FOLIAGE AND BAMBOO
TO BE REMOVED INCREASING VIEW
CORRIDOR

VIEW ANALYSIS
FIRST Floor
No.9 Brissenden Ave



View analysis submitted by the applicant architect from No. 9 Brissenden Crescent.



View analysis submitted by the applicant architect from No. 11 Brissenden Crescent.

Conclusion

The current view lines from No. 9 Brissenden Avenue, over the northern rear are vulnerable to any form of development on the subject property. The proposals compliance with the building height control at the maximum ridge height and as stated above with the SEPP building height (including storeys control) combined with design features such as a low flat rooves, maintains a reasonable view sharing corridor with the additional view loss considered to be reasonable and view sharing acceptable.

Whilst it is noted that the view impact on the adjoining property is minor to moderate the proposed development complies with the building height control as it relates to view sharing, and subject to the proposed condition to lower the upper floor level it is considered refusal of the application is not warranted in this particular circumstance.

The current view lines from No. 11 Brissenden Avenue, over the eastern side boundary and then the northern rear of No. 9 Brissenden Avenue are extremely vulnerable to any form of development on the subject property. The proposals compliance with the building height control at the maximum ridge height and as stated above with the SEPP building height (including storeys control) combined with design features such as a low flat rooves, maintains a reasonable view sharing corridor with the additional view loss considered to be reasonable and view sharing acceptable.

While it acknowledged that views from the ground levels of Nos. 9 & 11 Brissenden Avenue will be impacted be the proposed development it must be noted that the views from the first floor levels of these respective dwellings will be increased considerably. The existing building has a RL19.2 and well over the current height limit of 8.5m of WLEP 2011 (Building Height) and combined with the existing vegetation of the site obscures views from both properties/dwellings. The conditioned building will have a RL15.3 to the upper roof and RL14.45 to the lower roof which is substantial lower in height (3.9m - 4.75m). Additionally condition have been added to ensure landscaping is not to exceed 6m in height when measured from the trunk at ground level. Therefore overall it is considered that the proposal maintains reasonable view sharing opportunities for these properties/dwellings.

Whilst it is noted that the view impact on the adjoining property is minor to moderate the proposed development complies with the building height control as it relates to view sharing, and subject to the proposed condition to lower the upper floor level it is considered refusal of the application is not warranted in this particular circumstance.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The proposed flat roof planes roof plane, and large side setbacks opens up the view lines for overlooking properties, improving surrounding amenity. As a result, the proposal demonstrates adequate design solutions in an attempt to develop a proposal that incorporates modern and contemporary architecture that is directly responsive to the natural topography of the land.

- *To ensure existing canopy trees have priority over views.*

Comment:

The existing canopy trees within the vicinity (including the Norfolk Pine Trees in Collaroy Beach Reserve) will be maintained ensuring consistency with this objective.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in S1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D8 Privacy

The proposed works within the rear setback have been raised as a concern both from adjoining and surrounding properties, Council's Urban Designer and Council's Planner. The proposed awnings for Units 3 and 4 are within the rear setback area of 6m with a proposed setback of only 3.3m from the rear southern boundary and will be conditioned to be deleted.

The proposed swimming pool level is RL11.4m and the proposed raised ground levels within the rear yard RL11.2 are considered too high and will create possible amenity issues to the rear southern properties which front Brissenden Avenue. A condition will be included to allow for a maximum of 0.2m fill raising the rear ground level from RL10.7 to RL10.9 (including retaining walls) and the swimming pool level RL11.1m. Adequate screen planting along the southern boundary will also be a condition to maintain privacy to all parties.

Given the above it is considered suitable condition(s) will ensure compliance with the objectives of this clause.

D9 Building Bulk

The proposed development is considered to be of a scale that is reasonable in its local context and existing streetscape of Birdwood Avenue which has a mix of residential flat building, dwellings, a secondary dwelling, dual occupancies and the Saragood Care Facility which have varying setbacks to their respective front boundaries. Buildings are single, double and three storeys in height and the proposed development is single to double storey in height which is considered reasonable from a building bulk and scale. The development demonstrates sufficient modulation and articulation combined with the proposed landscaping coupled with the materials and finishes will integrate well with the streetscape and the surrounding area.

In this regard, this assessment has found that the built form of the development maintains a reasonable level of amenity (subject to conditions) and is compatible with the area in which it will sit. The development does not give rise to any adverse amenity impacts in terms of privacy, view loss or overshadowing and will fit reasonably within its local context.

Given the above it is considered the development satisfies the merit considerations of this clause.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$81,150 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$8,115,000.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- Warringah Local Environment Plan 2011;
- Warringah Development Control Plan 2011; and
- Codes and Policies of Council.

The proposal has been assessed against the relevant matters for consideration under Sections 4.15 of the EP&A Act 1979. This assessment has taken into consideration the submitted and amended plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions.

The assessment concludes that the proposal satisfies the aims and objectives. Where variation to the numerical controls are proposed (front boundary setback) it is considered that the proposal achieves the objectives of those controls and the variations are justified.

The proposal fails to satisfy development standards in State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 relating to building height (rear 25% of site). A condition has been included to ensure compliance with this SEPP and therefore dispense with the requirement of SEPP 1 variation to this development standard.

The proposal was re-notified which resulted in objections being received from the owners and residents of two (2) neighbouring and nearby properties. These objections have been carefully considered and have not been given determining weight.

Accordingly, the application is recommended for approval.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0432 for Construction of a Seniors Housing or Housing for Persons with a Disability and Strata Subdivision on land at Lot 1 DP 847020, 9 - 11 Birdwood Avenue, COLLAROY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA.01	06.08.2020	edaa
DA.02	06.08.2020	edaa
DA.03	06.08.2020	edaa
DA.04	06.08.2020	edaa
DA.05	06.08.2020	edaa
DA.06	06.08.2020	edaa
DA.07	06.08.2020	edaa
DA.19	06.08.2020	edaa
DA.20	06.08.2020	edaa
Exterior Finishes/Palette	April 2020	

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Operational Waste Management Plan	17 April 2020	Elephants Foot Recycling Solutions
Traffic and Parking Assessment Report	9 April 2020	Varga Traffic Planning Pty Ltd
Biodiversity Assessment	15 April 2020	Total Earth Care
BCA Compliance Capability Statement	8 April 2020	AED Group
Aboriginal Impact Assessment	April 2020	Tree Wise Men Australia Pty Ltd
Geotechnical Report into Acid Sulphate Soils	February 2020	Crozier Geotechnical Consultants
Geotechnical Report Site	October 2019	Crozier Geotechnical Consultants
Accessibility Design Review	6 April 2020	ABE Consulting

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
LALP101/C	06.04.2020	Black Beetle
LALP102/C	06.04.2020	Black Beetle
LALP103/E	10.08.2020	Black Beetle
LALP104/C	10.08.2020	Black Beetle

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
DA.08	14 April 2020	edaa

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	25 May 2020
Transport for NSW	Response Transport for NSW	25 May 2020

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a *seniors housing means a building or place that is—*

(c) a group of self-contained dwellings,

and that is, or is intended to be, used permanently for—

(e) seniors or people who have a disability, or

(f) people who live in the same household with seniors or people who have a disability, or

(g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

(development is defined by the Warringah Local Environment Plan 2011 (as amended) Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

4. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and

- B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

5. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.

- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
- Relevant legislative requirements and relevant Australian Standards (including but not limited) to:
- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

FEES / CHARGES / CONTRIBUTIONS

6. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$81,150.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$8,115,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

7. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

8. Construction, Excavation and Associated Works Security Bond (Road works)

The applicant is to lodge a bond with Council of \$10 000 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

9. Construction, Excavation and Associated Works Bond (Drainage works Birdwood Avenue)

The applicant is to lodge a bond of \$20,000 as security against any damage or failure to complete the construction of a inlet pit and 375mm RCP stormwater drainage line in Birdwood Place works as part of this consent ,

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

10. Construction, Excavation and Associated Works Bond (Maintenance for civil works)

The developer/applicant must lodge with Council a maintenance bond of \$5 000 for the construction of stormwater drainage works and footpath in the road reserve. The maintenance bond will only be refunded upon completion of the six month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing practical completion.

Reason: To ensure adequate protection of Council infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

11. On slab landscape planting and associated works

- a) Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing to all internal walls and slab, and drainage of the concrete slab over which soil and planting is being provided.
- b) Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil volume, soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.
- c) The following soil depths are required in order to be counted as landscaping:
 - 300mm for lawn
 - 600mm for shrubs
 - 1metre for trees

Reason: To ensure appropriate and secure waterproofing and drainage is installed to direct water flow into the drainage system, and away from habitable areas.

12. Traffic Management and Control

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

13. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- A reduction of the upper ground floor level to be reduced from the proposed RL11.5 to RL 11.4 (reduction of 0.1m) and overall upper roof levels from RL15.4 to RL15.3 (reduction of 0.1m) and lower roof levels from RL14.55 to RL14.45 (reduction of 0.1m);
- Maximum fill of the rear ground level (rear boundary setback) of no more than 0.2m (RL10.9) this includes any retaining structures/walls (maximum RL10.9);
- Swimming pool finished coping level (maximum of RL11.1);
- The awnings located within the rear boundary setback area behind Units 3 & 4 are to be deleted and the roof alignment to be consistent with the main roofs (0.5m extension from the southern facade of the building); and
- Any *Tristanopsis laurina* 'Luscious' tree is to be replaced with a native species from Council's Tree Guide (<https://www.northernbeaches.nsw.gov.au/environment/tree-management/tree-guide>) with no plant exceeding a maximum mature growth height of 6m in overall height above natural ground level.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land and compliance SEPP (HSPD) 2004.

14. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

15. **Stormwater Disposal Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850" and generally in accordance with the concept drainage plans prepared by Henry & Hymas Pty Ltd, drawing number 19685_DA_C000, 19685_DA_C100, 19685_DA_C101, 19685_DA_C200, dated 24/03/2020. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. Site stormwater to be connected to proposed kerb inlet pit in front of the subject site in Birdwood Avenue.
- ii. Subsurface flows are to be adequately collected and connected to Council's piped drainage system in Birdwood Avenue.
- iii. Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

16. **Submission Roads Act Application for Civil Works in the Public Road**

The Applicant is to submit an application for Council approval for infrastructure works within Birdwood Avenue road reserve. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of driveway crossing, footpath, reinstatement of exiting driveway crossing which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following

information:

1. 5.5 metre wide driveway crossing in accordance with Northern Beaches Council Drawing No. A4-3330/1N.
2. Reinstatement of all old driveway crossings to kerb and gutter, footpath and grass verge.
3. 1.5 metre concrete footpath along the entire frontage site. The footpath to extend from Pittwater Road up to the eastern boundary. Footpath to be located along the back of the kerb to allow for alignment with existing ground levels. Footpath alignment to be altered where required to avoid existing power poles.
4. The footpath levels are to match the existing levels along the boundary of the site and adjoining property.
5. 1.2 metre lintel and grate kerb inlet pit in front of the subject site with a Ø 375mm RRJ RCP extension to the existing council pit downstream.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

The Council approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

17. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

18. **Sub-Soil Seepage**

The Applicant is to submit plans demonstrating that all sub-soil seepage drainage is discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being the proposed kerb inlet pit in Birdwood Avenue and is to be carried out in accordance with relevant Australian Standards. (Note: At the time of determination the following (but not limited to) Standards applied:

- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 Plumbing and drainage - Stormwater drainage
- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 / Amdt 1 - 2006 Plumbing and drainage - Stormwater drainage.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate drainage and Stormwater management on site to protect amenity of residents.

19. **Landscaping**

50% of plants used in the landscaping for this development must be local native species as listed on Council's Native Plant Species Guide – Narrabeen Ward. Five small-medium trees to replace the removed trees is also required. No Grevillea or Banksia hybrids are to be used in the landscaping for this development. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Biodiversity conservation and management

20. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'**
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 – 2009* Design for access and mobility - General requirements for access – New building work**
- (m) AS 1428.2 – 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [www.hreoc.gov.au/disability rights /buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm). <www.hreoc.gov.au/disability%20rights%20/buildings/good.htm>

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.
(DACPLC02)

21. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

22. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

23. **Requirements for Seniors Housing or Housing for Persons with a Disability**

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with all the standards specified in Schedule 3 - "*Standards concerning accessibility and useability for hostels and self-contained dwellings*".

Details demonstrating compliance with the above requirement are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure public safety and equitable access for seniors or people with a disability.
(DACPLC16)

24. **Footpath Design**

The applicant is to prepare civil drawings demonstrating construction of a footpath for the full length of the frontage site and linking up to the existing footpath on Pittwater Road.

The footpath design is to be constructed at a width 1.5m against the back of kerb (where possible).

This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure the Quality of Access for the residents of the proposed development is provided in accordance with relevant standards (DACTRAD1)

25. **Mechanical Plant Location**

Any mechanical plant associated with the dwelling house is to be located and/or acoustically treated so the noise from the machinery does not exceed 5dB(A) above the background ambient noise levels when measured at the nearest property boundary.

Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the acoustic amenity of the neighbouring residents.

26. **Accessibility pathway/access gradients**

Details of the accessibility pathway/access gradients demonstrating compliance with Clause 26 (2) Location and Access to Facilities of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Ensure compliance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

27. **Vehicle Access & Parking**

All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards). Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009

With respect to this, the following revision(s) must be undertaken;

All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. To ensure the gradient requirements and height clearances are satisfied, a driveway profile must be prepared for all internal ramps showing ramp lengths, grades, surface RL's and overhead clearances, taken from the crest of the ramp to the base. Plans prepared by a suitably qualified Engineer shall be submitted to the accredited certifier prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles. (DACTRCPC1)

28. **Visitor parking spaces located behind roller door**

The installation of any security roller shutter for parking areas shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure visitor car parking is accessible to visitors. (DACTRCPC2)

29. **Waste and Recycling Requirements**

Details demonstrating compliance with Northern Beaches Development Control Plan – Part C9 Waste Management, including the required Northern Beaches Waste Management Plan, are to

be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

Note: If the proposal, when compliant with Northern Beaches Development Control Plan – Part C9 Waste Management, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided. (DACWTC01)

30. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

31. Pre-Construction Dilapidation Report

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property / Properties:

- 7 Birdwood Avenue, Collaroy
- 15 - 17 Birdwood Avenue, Collaroy
- 7 Brissenden Avenue, Collaroy
- 9 Brissenden Avenue, Collaroy
- 11 Brissenden Avenue, Collaroy

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

32. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

33. Tree trunk, branch and root protection

(a) Existing trees which must be retained

- i) All trees not indicated for removal in the Arboricultural Impact Assessment dated April 2020 prepared by Tree Wise Men
- ii) Trees located on adjoining private land

(b) Tree protection

- i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site.
- ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by the Project Arborist on site.
- iii) All tree protection to be in accordance with the Arboricultural Impact Assessment dated April 2020 prepared by Tree Wise Men and AS4070-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

34. Project Arborist

- i) A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the Arboricultural Impact Assessment dated April 2020 prepared by Tree Wise Men and AS4970-2009 Protection of trees on development sites.
- iii) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Reason: to ensure protection of vegetation proposed for retention on the site.

35. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site

36. Demolition and Construction Traffic Management Plan

Because of limited vehicle access, high pedestrian activity and parking demand, a Demolition Traffic Management Plan (DTMP) and Construction Traffic Management Plan (CTMP) shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commence any work.

The report must address following:-

- The proposed phases of demolition and construction works on the site, and the expected duration of each phase;
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- Make provision for all construction materials to be stored on site, at all times;
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- Make provision for parking onsite for all Staff and Contractors.
- Temporary truck standing/ queuing locations in a public roadway / domain near the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP and CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the

duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.

- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- Proposed protection for Council and adjoining properties;
- The location and operation of any on site crane; and

The DTMP & CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Demolition and Construction Traffic Management Plan are submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. Confirming appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner’s property rights and protects amenity in the locality, without unreasonable inconvenience to the community. The DTMP and CTMP are intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site. (DACTRDPC1)

37. **Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.

Reason: To ensure Work zones and Permits are managed and monitored. (DACTRDPC2)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

38. **Road Reserve**

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

39. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

40. **Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

41. **Progress Certification (Road & Subdivision)**

The applicant shall provide written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the **Roads Authority** for the following stages of works:

- (a) Silt and sediment control facilities
- (b) Laying of stormwater pipes and construction of pits

(**To be tested by a recognised N.A.T.A. approved laboratory).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works.

42. **Civil Works Supervision**

The Applicant shall ensure all civil works approved in the Section 138 approval are supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works.

43. **Footpath Construction**

The applicant shall construct 1.5 metre concrete footpath along the Birdwood Avenue frontage from Pittwater Road up to the eastern boundary. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Section 138 Road Act approval
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Section 138 Road Act approval for footpath. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of footpath works with Council's specification for engineering works.

44. Notification of Inspections

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter, driveway crossing
- (e) Subgrade level / basecourse level / subbase
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification.

Reason: To ensure new Council infrastructure is constructed in accordance with Auspec 1 Council's design and specification standards.

45. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

46. Vehicle Crossings

The Applicant is to construct one vehicle crossing 5.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ Normal and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

47. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

48. Requirement to notify about new Acid Sulfate Soils evidence

Requirement to notify about new Acid Sulfate Soils evidence

Any new information revealed during excavation works that has the potential to alter previous conclusions about Acid Sulfate Soils shall be immediately notified to the Council and the

Principal Certifying Authority prior to further commencement.

Reason: To protect the environment and private & public infrastructure

49. **Dewatering (if required)**

Any water being discharged from the site to stormwater must not cause pollution as defined by the Protection of the Environment Operations act 1997 and must comply with NSW water quality guidelines.

During the development works any waters discharged from the premises into Council's stormwater system (eg excavation waters and storm waters following rain events) shall only occur subject to the submission and Council's written approval of a separate Dewatering application including a site specific Dewatering Management Plan.

Water must be discharged in a manner that does not cause public health and/or safety nuisances.

Reason: Environmental Protection

50. **Protection of sites of significance**

Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

51. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

52. **Implementation of Demolition Traffic Management Plan**

All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

(DACTREDW1)

53. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.
(DACTREDW2)

54. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan dated 6 April 2020.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided. (DACWTE01)

55. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling – timber – bricks – tiles – plasterboard – metal – concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.
(DACWTE02)

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE
OCCUPATION CERTIFICATE**

56. Landscape completion certification

a) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.

b) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been established and maintained in accordance with the approved landscape plan.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity.

57. Condition of retained vegetation

Prior to the issue of an Occupation Certificate a report prepared by the Project Arborist shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- a) Compliance to Arborist recommendations for tree protection and excavation works.
- b) Extent of damage sustained by vegetation as a result of the construction works.
- c) Any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites.

58. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with this consent, all relevant Australian Standards and Codes and Councils water management Policy by a suitably qualified civil engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

59. **Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- o Compare the post-construction report with the pre-construction report,
- o Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- o Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

60. **Occupation of Seniors Housing or Housing for Persons with a Disability**

A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004):

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and / or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue any Interim / Final Occupation Certificate.

Reason: Statutory requirements. (DACPLB11)

61. Landscaping - swimming pools

Suitable native plantings are to be planted between the rear boundary and the swimming pool for Unit 3 and Unit 4. Trees are to be native species from Council's Tree Guide (<https://www.northernbeaches.nsw.gov.au/environment/tree-management/tree-guide>) with no plant exceeding a maximum mature growth height of 3m in overall height above natural ground level.

Reason: Amenity (privacy) and maintain views from adjoining and surrounding properties.

62. Reinstatement of Kerb

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces.

63. Post-Construction Dilapidation Report (Major Development)

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

A Post Construction Dilapidation Report after the completion of all building works is to demonstrate that there is no damage to Council infrastructure prior to the refund of any security deposits.

Reason: To ensure security against possible damage to Council property.

64. Certification of Civil Works and Works as Executed Data on Council Land

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed works have been constructed in accordance with this consent and the approved Section 138 plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data (details overdrawn on a copy of the approved civil plans) for Council Assets' in an approved format shall be submitted to Council for approval prior to the release of any security deposits.

Reason: To ensure compliance of works with Council's specification for engineering works.

65. Required Planting

Trees, shrubs and groundcovers shall be planted in accordance with Landscape Plans LALP101, 102 and 103 Rev C dated 06.04.20 prepared by Black Beetle Landscape Architecture and Design.

Reason: To maintain environmental amenity.

66. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management. (DACPLF01)

67. Garbage and Recycling Facilities

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To prevent pollution of the environment and to protect the amenity of the area. (DACPLF03)

68. House / Building Number

House/building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Proper identification of buildings.

69. Unit Numbering for Multi Unit Developments (Residential, Commercial and Industrial)

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines (https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-01.pdf).

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table available on Council's website Unit Numbering for Multi-Unit Developments Form

External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted with any Interim/Final Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition

and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access.

70. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

71. **Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water.

72. **Swimming Pool Requirements**

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system. Appropriate instructions of

artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life (DACPLF09)

73. **Certification of completion of requirements for Seniors Housing or Housing for Persons with a Disability**

Details demonstrating that all stipulated requirements of this development consent for Seniors Housing or Housing for Persons with a Disability have been completed.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure statutory requirements have been completed, public safety, and equitable access for seniors of people with a disability. (DACPLF12)

74. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

75. **Footpath**

A footpath linking the site (9 – 11 Birdwood Avenue) and Pittwater Road which is to be located on the southern side of Birdwood Avenue is to be constructed and finalised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure the Quality of Access for the residents of the proposed development is provided in accordance with relevant standards (DACTRADC1)

76. Removal of Redundant Driveways

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council. All costs associated with the works shall be borne by the applicant. A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on-street car parking by removing driveways that are no longer needed in accordance with Council policy. (DACTRFPOC1)

77. Public Domain Infrastructure

The applicant is to construct the footpath in accordance with the submitted civil drawings, to Council's satisfaction, prior to the release of any Occupation Certificate.

All necessary permits must be approved prior to the associated works commencing.

Additionally, the identified bus stops must be re-constructed to be DDA complaint. The applicant is to prepare drawings to demonstrate compliance. These drawings are to be submitted to and approved by Council prior to the works being undertaken. The works are to then be undertaken by the applicant, at no cost to Council, to the satisfaction of Council, prior to the release of any Occupation Certificate.

Further, any damages to road reserve shall be reinstated to Council standard. Suitably prepared plans shall be submitted to and approved by Council. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To provide the necessary infrastructure and maintain road reserve to the standards, prior to the tenants occupying the building so as to make safe. (DACTRFPOC2)

78. Waste and Recycling Facilities Certificate of Compliance

The proposal shall be constructed in accordance with Northern Beaches Development Control Plan – Part C9 Waste Management

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste and recycling facilities are provided. (DACWTF01)

79. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to

the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste is minimised and recycled. (DACWTF02)

80. Positive Covenant for Waste Services

A positive covenant shall be created on the title of the land requiring the proprietor of the land to provide access to the waste storage facilities prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Northern Beaches Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities (DACWTF03)

81. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (Department of Lands standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land. (DACWTF04)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

82. Waste Storage Area

Any doors fitted on the Waste Storage Area, pathway and access must be:

a) Able to be latched in an open position. b) Unobstructed by any locks and security devices.

The Waste storage area is a designated area to accommodate communal use waste and recycling bins. The Waste storage area:

a) must not be used to store any other items b) must be clear of any service and utilities infrastructure and related activities.

(DACHEGOG1)

83. Noise Control

Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the Protection of the Environment Operations Act, 1997.

Reason: For the protection of public health and amenity (DACHPBOC6)

84. Height of vegetation

Any planting installed along the eastern and western boundaries of the site are to be maintained at height not exceeding six (6) metres, measured from the ground level adjacent to the trunk.

Reason: Protection of local amenity and maintenance of view corridors.

85. **Landscape maintenance**

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
- ii) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: To maintain local environmental amenity.

86. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

87. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

88. **Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

89. **Swimming pool filter, air-conditioning units and plant (noise)**

The swimming pool filter and air-conditioning units are not create any noise which exceeds over 5dB(A) above the ambient background noise levels when measured from any property boundary.

Reason: Ensure reasonable acoustic amenity.

90. **Outdoor Lighting**

All outdoor lighting is to be directed away from the adjoining property boundaries and must comply with AS/NZS 4282 'Control of obtrusive effects of outdoor lighting'.

Reason: To maintain the amenity of the adjoining properties.

91. **Accessibility of parking facilities**

The parking facilities including visitor parking are to be accessible and identifiable at all times. Necessary signs and markings have to be maintained throughout the lifetime of the development.

Reason: To ensure residents, retailers and visitors are not forced to park on public streets when parking has been provided within the development. (DACTRGOG1)

92. **Parking Enclosure**

No parking spaces or access thereto, shall be constrained or enclosed by any form of structure

such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained. (DACTRGOG2)